

ATTACHMENT - REMARKS

By this Amendment, section headings have been added to the application. In the claims, independent claim 1 and dependent claims 10-12 have been amended for better clarity. It will also be appreciated that attached hereto is an Affidavit Under Rule 1.132 from inventor Robert Andoh. It is submitted that the present application is in condition for allowance for the following reasons.

In the Specification section of the final Action, the examiner has again objected to the lack of section headings, asserting that such created an “ambiguity of what is being discussed and where”. While it is not believed that any person of ordinary skill in the art would perceive any ambiguity as to what is being discussed where since the sections are in the usual order and, for example, the “summary” section starts with the introductory phrase “According to the present invention”, appropriate section headings have been added to the specification at self-evident locations in order to prevent any possible ambiguity for those of ordinary skill reading the specification and to overcome this objection.

In the following *Claim Rejections - 35 USC § 112* section of the Action, all of the pending claims were rejected for being indefinite. In particular, the examiner noted that there is recited in claim 1 both an explicit “outlet opening” (of the frustoconical base) and a “liquid outlet” (from one of the inner and outer regions), which “liquid outlet” according to the examiner would inherently have its own inherent “outlet opening”. As a result, the examiner asserted that the reference in the last line of claim 1 to “the outlet opening” would be unclear since it could not be determined whether the explicit or implicit outlet opening was being referred to. While it would seem that use of “the” in a claim would

mandatorily be considered to refer to an element having explicit antecedent basis over an element having only some potential inherent (and hence potentially insufficient) antecedent basis, and further in view of the specification which makes this clear in any event, claim 1 has been amended to explicitly refer to the “outlet opening of the frustoconical base” at both of the other instances in order to expediently overcome this rejection.

In the *Claim Rejections - 35 USC § 102* section, independent claim 1 and dependent claims 13-15 were again rejected under 35 USC § 102 as being anticipated by Druffel (US 4298465).

In the Action, the examiner has asserted that:

The inner separation region being defined at an inner periphery thereof by a central cylindrical partition (central chamber 86), the interior of which is open at a lower end thereof to provide access to the bottoms outlet (the wall is formed of the inner wall of filter cartridge 64 which is porous and thus open at a lower end but sealed at the bottom by plate 88, the open/porous lower end feeds through around the tabs to outlet portion) [Emphasis added].

However, the examiner is improperly equating “access” (i.e., gaining entry to) with feeding (able to pass through, as the examiner notes the porosity of the filter). As clearly shown in figure 2 of the present application, there is an unimpeded access through the inside opening of hollow cylindrical partition 26, so that there is provided a passage through the bottom thereof to clean sump 20 at the base as taught in the specification in the top paragraph on page 10. This is clearly different from being able to pass (feed) a liquid through the material of a filter cartridge as asserted by the examiner.

In order to more clearly show the difference between the present invention and that of Druffel, claim 1 has been amended to recite that “the interior of which said central cylindrical partition has an open lower end through which access is directly provided to the outlet opening of the frustoconical base.” Such a recitation is clearly not the same as passing fluid through a filter cartridge, and such would not be obvious from Druffel as well.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claim 1 is neither disclosed nor made obvious by Druffel so that claim 1 is now allowable. And for these same reasons, it is submitted that claims 13-15 dependent from claim 1 are likewise allowable over this reference.

In the *Claim Rejections - 35 USC § 103* section, independent claim 1 and dependent claims 2, 5-6, 7, 9-12 and 16-24 were again rejected under 35 USC § 103 as being obvious over the principal Andoh (WO 00/62888) in view of Smisson (USP 5,116,516). However, for the following reasons, it is submitted that these claims are all allowable over this combination of references.

In the Action, the examiner has asserted that it is obvious from the statement “the conical member 9 may be either solid or hollow” in Andoh that the conical member 9 could be formed to block the end of the associated tubular member 10. However, as evidenced in the attached Affidavit of Inventor Andoh, one of ordinary skill in the art would not find such a teaching in Andoh. In particular, one of ordinary skill would recognize that “solid” was referring to the type of conical member shown, for example, in GB 2082941 mentioned shortly thereafter in Andoh (see also equivalent USP 4,451,366 cited in applicant’s IDS), where the filled-in conical member still has a central

passage whose purpose (as also noted in the GB or US patent) is “to provide access for a cleaning rod ... [to] sump 12” (see the US patent at 2/64-68). Obviously, the blocking nature of the conical member envisioned by the examiner would destroy this access for a rod cleaning feature (and that of the present invention as well) and would not be obvious.

This interpretation of “solid” is also consistent with the later recitation in Andoh that there is a conical member 20 attached “in mirror image fashion to conical member 9” (see 13/15). Obviously, this conical member could similarly be “solid” while still having the central passage therethrough as those of ordinary skill in the art would recognize.

In the Action, the examine has also asserted that “the inner separation region [designated in the Fig. 5 drawing of the examiner as the interior portion of tubular member 10] is annular (it is round and thus annular)” (see page 7 of the Action). However, as made clear in the Affidavit of Invention Andoh, “annular” does not mean and is not the same as “round” as asserted by the examiner. Rather, annular means “ring-shaped” or the like as evident in most all dictionary definitions. Thus, the inner separation region of Andoh is not annular as specifically recited in claim 1.

In combining Smisson with Andoh in the obviousness rejection, the examiner has asserted that it would be obvious to provide a central partition with an outlet at the bottom as taught in Smisson in the inner separation region [the interior portion of tubular member 10] of Andoh. However, if the conical member 9 is a “solid” as alleged by the examiner, then such a partition would not have a bottom opening; and if not such a “solid”, then no there would be no lower end wall as claimed.

In addition, the examiner has stated that the purpose of such an addition is for "allowing for light solids to be separated to the bottom outlet immediately prior to tangential fluid exiting the system" (see top of page 8). However, it is not indicated by the examiner where such "light solids" would come from (or even what "light" solids are!) in Andoh to support such a hybrid combination, and thus this assertion must be taken as an impermissible hindsight reconstruction and hence not an obvious combination.

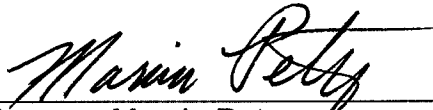
Therefore, for all of the foregoing reasons, it is submitted that amended independent claim 1 is not made obvious by Andoh in view Smisson, so that claim 1 is now allowable over this combination of references. In addition, since amended claim 1 is now allowable, consequently all of dependent claims 2, 4-5, 7-24 are likewise allowable for at least the same reasons that claim 1 is allowable.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

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